

If the related proceedings appendix is missing, but the record is clear that there are no decisions to be included in such an appendix, "[t]he examiner should not require a corrected brief [T]he *examiner may* accept the brief and *state in the examiner's answer* that it is assumed that the appellant meant to include [the appendix] with a statement of "NONE." " Manual of Patent Examining Procedure 1205.03.

Because no decisions were rendered by a court or the Board pursuant to those appeals, due to the examiner's subsequent withdrawal of the finality of the actions to which the appeals were taken, it did not appear that a related proceedings appendix was required and none was submitted with the original brief. In light of the Specialist's action, however, applicants submit a revised brief which includes a page entitled "Related Proceedings Appendix," with a statement "None" therein. It is believed that the amended brief more than satisfies the requirements of 37 CFR §§ 41.37(c)(1)(ii) and (x).

¶ 4 Summary of claimed subject matter. The Specialist required that the "[s]ummary of claimed subject matter must identify and map [sic] all independent claims on appeal (1, 6, & 11) to specification by page and line number or paragraph number and/or drawings, if any."

Applicants respectfully submit that there is no requirement to "map" all independent claims, whatever that might mean. The provisions of 37 CFR § 41.37(c)(1)(v) require a "concise explanation of the subject matter defined in each of the independent claims involved in the appeal." Applicants believe that they submitted a concise explanation of the claimed subject matter in their originally filed brief. In order to address the point raised by the Specialist, applicants have amended the "Summary of claimed subject matter" to point out the page and line of the specification and drawings where each limitation of each independent claim is disclosed.

Conclusion

In view of the foregoing, it is believed that the Appeal Brief, as amended, is fully compliant with the requirements of 37 CFR § 41.37.

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